



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,505	01/29/2001	Yasuhisa Fujiwara	107847	7377

25944 7590 05/05/2004

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

JACOBS, LASHONDA T

ART UNIT PAPER NUMBER

2157

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/770,505

Applicant(s)

FUJIWARA, YASUHISA

Examiner

LaShonda T. Jacobs

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on January 29, 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4 and 7.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Rosenberg et al (hereinafter, "Rosenberg", 6,363,357).

As per claim 1, Rosenberg discloses a system, which uses a computer network connected by communication lines to distribute merchandise data contents comprising:

- a first computer which stores merchandise data contents in a memory thereof based on an order request to distribute said merchandise data contents placed for a specific requester at a second computer (col. 2, lines 45-67, col. 4, lines 32-54 and col. 7, lines 16-37);

wherein said first computer comprises:

- an input/output interface that receives the order request from said second computer for said merchandise data contents (col. 3, lines 48-67 and col. 4, lines 1-6);
- a controller that creates relevant data contents with respect to the requested merchandise data contents received from the second computer, assigns requester-specific data contents to said relevant data contents, and creates assigned delivery data contents (col. 4, lines 32-54 and col. 7, lines 16-37).

Art Unit: 2157

As per claim 2, Rosenberg discloses:

- wherein said relevant data contents are duplicated data contents of the merchandise data contents (col. 7, lines 16-37 and col. 11, lines 1-25); and
- said assigned delivery data contents are data to be distributed to another computer in the computer network (col. 11, lines 1-25 and col. 13, lines 3-10).

As per claim 3, Rosenberg discloses:

- wherein said controller controls transmission of said delivery data contents through said input/output interface to said another computer (col. 3, lines 26-47, col. 11, line 67 and col. 12, lines 1-8).

As per claim 4, Rosenberg discloses:

- wherein said first computer further has a memory and said delivery data contents are stored in a memory space within said memory assigned to the specific requester (col. 3, lines 26-47, col. 11, line 67 and col. 12, lines 1-8); and
- said controller reads out said delivery data contents from the memory space assigned for said requester to transmit said delivery data contents through the input/output interface to said another computer according to a delivery request from said second computer (col. 3, lines 26-47, col. 11, line 67 and col. 12, lines 1-8).

As per claim 5, Rosenberg discloses wherein said first computer further comprises:

- means for judging matches between specific data contained within the delivery request and said requester-specific data assigned for said relevant data contents prior to transmission of said delivery data contents to said another computer (col. 11, line 67, col. 12, lines 1-8 and col. 13, lines 3-10).

Art Unit: 2157

As per claim 6, Rosenberg discloses wherein said first computer further comprises:

- means to judge a length of time that has elapsed from the time said delivery data content was created and said first computer transmits said delivery data contents to said another computer according to said elapsed time (col. 11, line 67, col. 12, lines 1-8 and col. 13, lines 3-10).

As per claim 7, Rosenberg discloses wherein said first computer comprises:

- means for deleting said delivery data contents transmitted to said another computer from said memory space (col. 11, line 67, col. 12, lines 1-8 and col. 13, lines 3-10).

As per claim 8, Rosenberg discloses:

- wherein said means for deleting said delivery data contents from said memory space operates when a length of time that has elapsed from a time said delivery data content was created exceeds a predetermined length (col. 11, line 67, col. 12, lines 1-8 and col. 13, lines 3-10).

As per claim 9, Rosenberg discloses wherein said first computer comprises:

- means for storing said relevant data contents in a memory space assigned to a requester (col. 2, lines 45-67, col. 4, lines 32-54 and col. 7, lines 16-37); and
- means for recording said merchandise data contents, wherein said first computer, based on relevant data contents stored in a memory space assigned to said requester according to a delivery request from said second computer, reads out said merchandise data contents to the relevant data contents and transmits said merchandise data to another computer (col. 4, lines 32-54 and col. 7, lines 16-37).

As per claim 10, Rosenberg discloses:

Art Unit: 2157

- wherein said another computer is the second computer (col. 3, lines 26-47).

As per claim 11, Rosenberg discloses wherein said first computer comprises:

- means for storing in a memory space an identifier of relevant data contents (col. 2, lines 45-67, col. 4, lines 32-54 and col. 7, lines 16-37); and
- means for recording said merchandise data contents, wherein said first computer, according to a delivery request, reads out said merchandise data contents based on the stored identifier and transmits out said merchandise data contents to said another computer (col. 4, lines 32-54 and col. 7, lines 16-37).

As per claim 12, Rosenberg discloses:

- wherein said merchandise includes books and said merchandise data content is information concerning books (col. 3, lines 64-67 and col. 4, lines 1-6).

As per claim 13, Rosenberg discloses wherein the second computer in the communication network includes:

- an input means for inputting the order request, an input/output interface to transmit the order request, and a display (col. 3, lines 48-63, col. 6, lines 40-67, col. 7, lines 1-5 and lines 16-37).

As per claim 14, Rosenberg discloses wherein the first computer includes:

- means for transmitting a delivery data contents list to the second computer when a plurality of order requests for a specific requester are received, the display of the second computer displays the data content list, and the input means of the second computer allows selection of a desired one of the plurality of order requests to be delivered (col. 3, lines 48-63, col. 6, lines 40-67, col. 7, lines 1-5 and lines 16-37).

As per claim 15, Rosenberg discloses:

- wherein the another computer is the second computer (col. 3, lines 26-47).

As per claim 16, Rosenberg discloses a delivery device, which transmits merchandise data contents to a requester according to an order request from a terminal device connected to a communication network, comprising:

- a first memory space that stores said merchandise data contents (col. 2, lines 45-67, col. 4, lines 32-54 and col. 7, lines 16-37);
- means for creating relevant data contents related to said merchandise data contents according to an order request from said terminal device (col. 4, lines 32-54 and col. 7, lines 16-37);
- means for assigning requester-specific data contents to said relevant data contents and for creating assigned data contents (col. 4, lines 32-54 and col. 7, lines 16-37); and
- a second memory space that stores said assigned data contents (col. 4, lines 32-54 and col. 7, lines 16-37).

As per claim 17, Rosenberg discloses wherein:

- said relevant data content is duplicated data contents of said merchandise data contents (col. 4, lines 32-54, col. 7, lines 16-37 and col. 11, lines 1-25); and
- said assigned data contents is data contents to be distributed to a second computer (col. 4, lines 32-54, col. 7, lines 16-37, col. 11, line 67 and col. 12, lines 1-8).

As per claim 18, Rosenberg further discloses:

Art Unit: 2157

- means for reading out said delivery data contents from said second memory space and for transmitting said delivery data contents to a terminal within the communication network (col. 3, lines 26-47, col. 11, line 67 and col. 12, lines 1-8).

As per claim 19, Rosenberg discloses:

- wherein a separate second memory space is prepared for each said requester (col. 3, lines 26-64 and col. 4, lines 32-54).

As per claim 20, Rosenberg further discloses:

- means for transmitting a data contents list to the terminal device when a plurality of said delivery data contents exists for the requester (col. 3, lines 48-63, col. 6, lines 40-67, col. 7, lines 1-5 and lines 16-37).

As per claim 21, Rosenberg further discloses:

- means for judging matches between the content of a deliver, request from said terminal device and said requester-specific data contents when said delivery data content is transmitted by said means for transmitting (col. 11, line 67, col. 12, lines 1-8 and col. 13, lines 3-10).

As per claim 22, Rosenberg discloses:

- wherein said means for transmitting said delivery data contents only when a length of time that has elapsed since the order request is within predetermined period (col. 11, line 67, col. 12, lines 1-8 and col. 13, lines 3-10).

As per claim 23, Rosenberg further discloses:

Art Unit: 2157

- means for deleting said delivery data content from said second memory space when said means for transmitting transmits said delivery data contents (col. 11, line 67, col. 12, lines 1-8 and col. 13, lines 3-10).

As per claim 24, Rosenberg further discloses:

- means for storing in the second memory space an identifier of relevant data contents (col. 4, lines 32-54 and col. 7, lines 16-37); and
- means for recording said merchandise data contents in the first memory space, wherein said delivery device reads out said merchandise data content from the first memory space based on the stored identifier and transmit said merchandise data contents to a terminal in the communication network (col. 4, lines 32-54 and col. 7, lines 16-37).

As per claim 25, Rosenberg discloses a method to distribute merchandise data contents using a computer network connected by communication lines, comprising the steps of:

- receiving an order request at a first computer in the network from a specific requester requesting merchandise data contents (col. 6, lines 40-67 and col. 7, lines 1-37);
- duplicating requested merchandise data contents (col. 11, lines 1-25);
- preparing delivery data contents for the specific requester by adding requester specific data to the duplicated data contents (col. 11, line 67, col. 12, lines 1-8 and col. 13, lines 3-10); and
- holding the delivery data contents until a subsequent delivery request for delivery is received (col. 11, line 67, col. 12, lines 1-8 and col. 13, lines 3-10).

As per claim 26, Rosenberg further discloses:

Art Unit: 2157

- a step of distributing said delivery data contents to another computer according to the delivery request, which is independent from said order request (col. 11, lines 1-25, line 67, col. 12, lines 1-8 and col. 13, lines 3-10).

As per claim 27, Rosenberg further disclose steps of:

- storing the prepared delivery data contents in a memory space assigned to said specific requester (col. 4, lines 32-54 and col. 7, lines 16-37);
- reading out said delivery data contents from the assigned memory space according to said delivery request (col. 3, lines 26-47, col. 11, line 67 and col. 12, lines 1-8); and
- distributing said delivery data contents to the specific requester (col. 11, lines 1-25, line 67, col. 12, lines 1-8 and col. 13, lines 3-10).

As per claim 28, Rosenberg discloses:

- wherein said delivery data content is read out from said memory space and distributed when requester-specific data included in said delivery request and said requester-specific data within said delivery data contents match (col. 11, lines 1-25, line 67, col. 12, lines 1-8 and col. 13, lines 3-10).

As per claim 29, Rosenberg discloses:

- wherein said delivery data content is read out from said memory space and distributed if a length of time that has elapsed between said order request and said delivery request is within a predetermined period (col. 11, line 67, col. 12, lines 1-8 and col. 13, lines 3-10).

As per claim 30, Rosenberg further discloses:

- a step of outputting a delivery data list stored in said memory space to a requester (col. 11, lines 1-25, line 67, col. 12, lines 1-8 and col. 13, lines 3-10).

As per claim 31, Rosenberg discloses:

- wherein said requester-specific data held within said delivery data contents includes data prohibiting duplication of said merchandise data contents (col. 11, lines 1-25).

As per claim 32, Rosenberg discloses:

- wherein said step of preparing said delivery data contents is executed after settlement of payment by said requester for said merchandise data contents (col. 7, lines 16-37, col. 11, line 67, col. 12, lines 1-8 and col. 13, lines 3-10).

As per claim 33, Rosenberg discloses:

- wherein the requester-specific data includes a password (col. 12, lines 19-45).

As per claim 34, Rosenberg further discloses:

- a step of storing said duplicated merchandise data contents in a memory space assigned for merchandise data contents (col. 4, lines 33-54 and col. 11, lines 1-25).

As per claim 35, Rosenberg discloses:

- wherein when a plurality of order requests for a specific requester are received, the method further comprises a step of transmitting a delivery data contents list to the second computer, and upon receipt of a selection by the second computer, the selected order request is delivered (col. 11, line 67, col. 12, lines 1-8 and col. 13, lines 3-10).

Art Unit: 2157

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,073,124 to Krishnan et al

U.S. Pat. No. 6,591,243 to Grettve et al

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 703-305-7494.

The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T. Jacobs
Examiner
Art Unit 2157

ltj
April 30, 2004


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100